**CITY OF IVANHOE**

**REGULAR MONTHLY MEETING MINUTES**

**OCTOBER 20, 2022**

**6:00 PM**

Meeting was called to order by Mayor Bennett at 6:00 pm. Quorum was established with all council members present. City Attorney Brad Elrod was present and provided the invocation. The Pledge of Allegiance followed. This meeting is being lived streamed on YouTube. Mayor Bennett asked if there are any questions or comments from the audience. There being no comments the mayor proceeded to the consent agenda items.

**Consent Agenda Items**

* Mayor Bennett asked if there were any items on the consent agenda that needed to be removed.
* Councilman Warren asked for the minutes of the Budget and Tax Rate Meetings to be removed as he feels the Mayor Pro-Tem did not follow procedures while conducting these meetings and did not provide the tie-breaking vote, but vote as a councilman.
* Mayor Bennett asked if this would have changed the outcome of the vote and answer was “no.”
* Brad Elrod stated that the minutes can be approved as they are an accurate recording representation.
* The following items were adopted as presented:
  + Minutes of Regular Monthly Meeting of September 15, 2022
  + Minutes of Budget Hearing of September28, 2022
  + Minutes of Tax Rate Hearing of September 28, 2022
  + Minutes of Special Meeting of October 10, 2022

**Agenda Item #1 – Mayor’s Report**

* The mayor stated that the $375,000 grant was awarded for work on 22nd St. A portion of 22nd St. is also included in the $7.9 million grant, hopefully the entire street will be completed with grant funds.
* A Special Meeting is scheduled on October 22, 2022 at 9:30 am to discuss purchase of a flatbed truck for Public Works use.
* A Town Hall Meeting is scheduled on October 22, 2022 at 10:00 am to discuss taxes, employee raises, code enforcement, ordinances/deed restrictions, grant funding procedures, home businesses and air bnbs. Questions or comments can be emailed to the city if you are not able to attend.
* City council received notice of TXDOT virtual meeting on October 25, 2022 regarding construction schedule for Hwy. 69/287 between Lumberton and Warren.
* Ivanhoe Volunteer Fire Department is having an Open House today from 10:00 am to 2:00 pm. Hotdogs, chips and drinks will be served.
* Friends of Ivanhoe Trunk or Treat event will be held at the community center on Monday, October 31, 2022 from 5:30 pm to 7:30 pm.
* The Annual Christmas Boat Parade will be Saturday, December 3, 2022 at dark.

The agenda item was for information only, no action taken.

**Agenda Item #2 - Supervisor of Dam Report by Rusty Harrison**

* No new information on dams. Need rain.

The agenda item was for information only, no action taken.

**Agenda Item #3 – Municipal Court Activity Report for September 2022**

Total Fines & Court Costs Collected $ 1,087.00

Total Fines Collected by City $ 790.66

Total Fines Sent to State $ 296.34

Year to Date Fines Collected $11451.20

Previous Year to Date Fines Collected $13296.40

**Agenda Item #4 – City Marshal Activity Report for September 2022**

Total Calls/Activity 50

Total of Activity Calls to Marshal’s Office 37

Total Calls Received from Tyler County Sheriff’s Office 13

Marshal Riley – 16 Service Calls, 2 CPS Cases, Extra Patrol, 2 Dogs at Large Calls, 2 Code Enforcement, PTO

Deputy Crossman – 15 Service Calls, 2 Warnings, 1 Citation, 7 Dispatch Calls, 2 Reports, 2 Felony Warrants for Aggravated Assault (Out two weeks due to death in family.)

Deputy Drumm – 9 Service Calls, 4 CPS Cases

This agenda item was for information only, no action taken.

**Agenda Item #5 – Code Enforcement Activity Report**

* Code Enforcement Report provided to council.
* Open & Active Cases: 200+
* Closed: 25
* Jacque Black read a statement regarding clarifying that she does not play favoritism. She does not live within the City of Ivanhoe and is following rules as stated in the codified ordinances. If you have a complaint, call Code Enforcement. City council has final decision on cases. Permit applications must be properly completed, including any future plans that may affect the permit application. A report from a state district court did not find any violations against Ms. Black for the handling of code enforcement. A folder is available with the Welch case for council to review. The original application was submitted with false information. An RV was only to be onsite during house construction. The septic was installed for RV use, but then it was tied in to the storage building. The Non-Conforming Sign was not in place when property was recently sold, but new owners have corrected the issues with 72 hours. The case on Ms. Welch is closed. She thanked Councilman Craven for his assistance during the investigation.

The agenda item was for information only, no action taken.

**Agenda Item #6 – Public Works Report**

* Public Works Supervisor David Marshall reported that he has developed a progress notebook for each councilmember that will be updated monthly.
* The Public Works Dept. is making great progress on the streets and rights-of-way. Special thanks to the crew, Kolby, Joe, Gabriel and Michael for all their hard work.
* From 08/17/22 to 10/07/22, a total of 29 work days, 112 tons of fly ash has been turned into 336 tons of road material that has been placed on streets. The week of 10/14/22, a total of 54 tons of fly ash has been mixed for 162 tons of road material and has also been placed on streets. The material is being mixed at the Chanticleer yard. Compared with using limestone at $14,427.84, that is a savings on over $76,000 over a 6-month period.
* Open Work Orders: 6. Public Works is now maintenance phase only.
* January 2022 to date, a total of 162 work orders have been cleared with the 4 person crew. That is an average of 10.6 work orders per month and is in addition to routine maintenance work, this included motor grader, culvert installation, mowing and brush removal and ditch work.
* SW Water Company is not finished with installing new waterline along 27th St. after working on the project for 8 months.
* Per LJA Engineering, fly ash mix can be no more than 8”-10” to not affect any future street rehabilitation construction.
* An 800-gallon water tank has been located that can be used to wet mix the fly ash material or dampen streets for less than $2,000.
* Mayor Bennett recommended going ahead with purchase of water tank.

The agenda item was for information only, no action taken.

**Agenda Item #7 - Discuss/Action Planning & Zoning Commission Recommendations**

* Nothing to report at this time.

The agenda item was for information only, no action taken.

**Agenda Item #8 – Discuss/Action Livable Space Definition for Codified Ordinance**

* Councilman Herrington: Regarding a Derksin “portable” building, a question has been raised about “livable” space and what constitutes “livable” space. This question was presented to the Tyler County Appraisal District and they do not recognize a partial story building as “livable space.” Legal definition needs to be included in our codified ordinance.

The agenda item was for information only, no action taken.

**Agenda Item #9 - Discuss/Action Solicitation of Proposals for Grant Administration for Community Development Block Grant (CDBG) Funds 2023-2024 Cycle**

* The mayor explained that the CDBG funds are being increased from 375,000 to $500,000 with a 10% match.
* Councilman Herrington made the motion to solicit proposals for grant administration for the CDBG funds for the 2023-2024 cycle. The motion was seconded by Councilman Blackstone and the motion passed unanimously.

**Agenda Item #10 - Discuss/Action Adoption of American Rescue Plan Act (ARPA) FY-2023 Budget**

* The mayor stated the ARPA funds can be used as part of the city matching funds of $114,920 for the $11.49 million grant. ARPA funds must be spent by the end of 2024.
* Councilman Blackstone asked if the ARPA funds can be used to remove the derelict building on Charmaine Dr. East and place a lien on the property. Yes.
* Councilman Craven made the motion to adopt the ARPA Funds FY-2023 Budget. Councilman Morris seconded the motion and the motion was passed unanimously.

**Agenda Item #11 – Discuss/Action Adoption of Interest & Sinking FY-2023 Budget**

* Councilman Herrington made the motion to adopt the I&S Funds FY-2023 Budget. Councilman Craven seconded the motion and the motion was passed unanimously.

**Agenda Item #12 – Discuss/Action Adoption of GLO-HMGP-MIT ($11.5M Grant) FY-2023 Budget**

* Councilman Craven made the motion to adopt the GLO-HMGP-MIT FY-2023 Budget. Councilman Morris seconded the motion and the motion was passed unanimously.

**Agenda Item #13 – Discuss/Action Adoption of GLO-MIT Supplemental ($8M Grant) FY-2023 Budget**

* Councilman Herrington made the motion to adopt the GLO-MIT Supplemental FY-2023 Budget. Councilman Craven seconded the motion and the motion was passed unanimously.

**Agenda Item #14 – Discuss/Action Adoption of Bond Construction FY-2023 Budget**

* Councilman Craven made the motion to adopt the Bond Construction FY-2023 Budget. Councilman Herrington seconded the motion and the motion was passed unanimously.

**Agenda Item #15 – Discuss/Action Solicitation of Proposals for Bond Construction Work**

* Councilman Morris: Prior to a pre-bid conference meeting a discussion was held regarding the material to be used. Only one vendor submitted a proposal and this product is not acceptable for heavy use construction.
* Councilman Morris made the motion to solicit an Request for Qualifications for an engineering firm to develop construction plans. Councilman Blackstone seconded the motion and the motion was passed unanimously.

**Agenda Item #16 - Discuss/Action Financial Report for September 2022**

* This financial report is a wrap up for August and September to close out FY-2022.
* The FY-2022 budget is based off of the previous year’s budget expenses for historical context.
* Councilman Blackstone: Who receives the sales tax on cellphones since the zip code is 75979?
* Councilman Morris made the motion to adopt the September 2022 Financial Report and the motion was seconded by Councilman Craven. Councilman Warren recommended postponing approval until all discrepancies are cleared. Approval postponed with no action on the motion.

**Agenda Item #17 – Discuss/Action Update to Employee Paid Time Off**

* Councilman Craven: PTO has been addressed for several months. An additional change had been made to use an employee’s anniversary date, instead of the calendar year. Public Works Department agrees with this change.
* Councilman Craven made the motion to change the start of PTO from the beginning of the calendar year to the employee’s anniversary date. Councilman Morris seconded the motion and the motion was passed unanimously.

**Agenda Item #18 – Discuss Fair Labor Standard Act**

* Councilman Warren: Non-exempt employees who work over 40 hours must be compensated and not work off the clock. This includes working from home.

The agenda item was for information only, no action taken.

**Agenda Item #19 – Executive Session**

No Executive Session.

**Agenda Item #20 – Communications from Audience – Other Items**

No comments from the audience.

**Agenda Item #21 – Council Comments**

* Councilman Morris thanked Public Works for repairing cracks on Charmaine Dr. South.

**Agenda Item #22 – Adjourn Meeting**

Councilman Warren made the motion to adjourn the meeting. Councilman Herrington seconded the motion and the motion passed unanimously. Meeting adjourned at 7:58 pm.

Respectfully submitted,

C. D. Woodrome, City Secretary

Approved by Council November 17, 2022

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Cathy Bennett, Mayor